

387
1 BILL NO. G-89-01-25

2 GENERAL ORDINANCE NO. G- Wideman

3 AN ORDINANCE amending the Thoroughfare
4 Plan of the City Comprehensive ("Master")
5 Plan by vacating a dedicated street, lots,
6 easements, and plat.

7 WHEREAS, a petition to vacate a dedicated street, lots,
8 easements and plat within the City of Fort Wayne (as more
9 specifically described below) was duly filed with the City
10 Planning Commission; and

11 WHEREAS, said Commission duly held a public hearing
12 thereon; and

13 WHEREAS, said Commission has duly forwarded its
14 recommendation to this body approving said petition, all in
15 accordance with I.C. 36-7-4-512(2) and this body having held
16 a public hearing on said vacation as provided in I.C. 36-7-
17 4-12; and

18 WHEREAS, this body concurs in the recommendation of the
19 City Planning Commission.

20 NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
21 THE CITY OF FORT WAYNE, INDIANA:

22 SECTION 1. That the petition filed herein to vacate a
23 dedicated street, lots, easements and plat within the City
24 of Fort Wayne, more specifically described as follows, to-
25 wit:

26 Rossmar Drive starting 143 feet west of Calhoun
27 Street and the south half of Lot 135 and Lots 136-
28 142 inclusive and Lots 176-179 inclusive in
29 Stellhorn Park Addition Section "A" including the
30 plat and restrictions and all easements and
31 building lines on the plat which are on, over and
32 across the said lots, excepting the permanent
easements described as follows:

The west 7 feet of the east 150 feet of the vacated 10
feet of Rossmar Drive, north and adjacent to Lot Number
179 in Stellhorn Park, Section "A".

Also, the 7-foot vacated alley east and adjacent to
Lots Numbered 179 and 187 in Stellhorn Park, Section
"A".

377
1 Also, the South 5 feet of Lots 176-179 inclusive
2 Stellhorn Park, Section "A".

3 Also the North 5 feet of Lots 139-142 inclusive
4 Stellhorn Park, Section "A".

5 and which vacating amends the Thoroughfare Plan of the City
6 Comprehensive ("Master") Plan and is hereby approved in all
7 respects.

8 SECTION 2. That this Ordinance shall be in full force
9 and effect from and after its passage, any and all necessary
10 approval by the Mayor.

11 Janet G. Bradbury
12 COUNCILMEMBER

13 APPROVED AS TO FORM AND LEGALITY:

14 J. Timothy McCaulay
15 J. TIMOTHY MCCAULAY, CITY ATTORNEY

16 ** Public hearing to be held on _____,
17 the _____ day of _____, 1989,
18 in the Council Chambers.

19 Sandra E. Kennedy, City Clerk
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Read the first time in full and on motion by Bradbury, seconded by Allen, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, 19____, at _____ o'clock, _____ M., E.S.T.

DATED: 1-24-89

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____, seconded by _____, and duly adopted, placed on its passage. PASSED LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	_____	_____	_____	_____
<u>BRADBURY</u>	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	_____	_____	_____	_____
<u>HENRY</u>	_____	_____	_____	_____
<u>LONG</u>	_____	_____	_____	_____
<u>REDD</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	_____	_____
<u>STIER</u>	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____

DATED: _____

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. _____

on the _____ day of _____, 19____,

ATTEST

SEAL

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

RECEIPT

CHK# 316375

No 2836

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 11-3 1988

RECEIVED FROM Care A. Hays Trust \$ 100.00

THE SUM OF one hundred ¹⁰⁰ DOLLARS

ON ACCOUNT OF play - Father's Day
1st & Cassman, N.W. 1st location

[Signature]
AUTHORIZED SIGNATURE

Date Filed: _____

VACATION PETITION

We, CARL A. HOFER, LENORE R. BENNINGHOFF, and DORIS M. WATSON, PETITION TO VACATE Rossmar Drive starting 143 feet west of Calhoun Street and the south half of Lot 135 and Lots 136-142 inclusive and Lots 176-179 inclusive in Stellhorn Park Addition Section "A" including the plat and restrictions and all easements and building lines on the plat which are on, over and across the said lots, all per the attached survey, excepting the permanent easements described as follows:

The west 7 feet of the east 150 feet of the vacated 10 feet of Rossmar Drive, north and adjacent to Lot Numbered 179 in Stellhorn Park, Section "A".

Also, the 7-foot vacated alley east and adjacent to Lots Numbered 179 and 187 in Stellhorn Park, Section "A".

Also, the South 5 feet of Lots 176-179 inclusive Stellhorn Park, Section "A".

Also the North 5 feet of Lots 139-142 inclusive Stellhorn Park, Section "A".

TO: THE CITY PLAN COMMISSION
CITY OF FORT WAYNE, INDIANA

The undersigned petitioners do hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following street, lots, easements, and plat within the City of Fort Wayne, Indiana, and hereby described as follows:

Rossmar Drive starting 143 feet west of Calhoun Street and the south half of Lot 135 and Lots 136-142 inclusive and Lots 176-179 inclusive in Stellhorn Park Addition Section "A" including the plat and restrictions and all easements and building lines on the plat which are on, over and across the said lots, all per the attached survey, excepting the permanent easements described as follows:

The west 7 feet of the east 150 feet of the vacated 10 feet of Rossmar Drive, north and adjacent to Lot Numbered 179 in Stellhorn Park, Section "A".

Also, the 7-foot vacated alley east and adjacent to Lots Numbered 179 and 187 in Stellhorn Park, Section "A".

Also, the South 5 feet of Lots 176-179 inclusive Stellhorn Park, Section "A".

Also the North 5 feet of Lots 139-142 inclusive Stellhorn Park, Section "A".

In support thereof, your petitioners would represent as follows:

1. Rossmar Drive has never been opened and improved.
2. Approximately 85% of the Plat of Stellhorn Park Addition, Section "A" has already been vacated for a golf course, and the area herein sought to be vacated abuts the same.
3. A part of Rossmar Drive and easements east of Lots 139 and 179 were purportedly vacated June 13, 1939, but such vacation was probably defective.

4. Lots 176-190 were released from some plat restrictions.
5. Applicants own all real estate which abuts the part of Rossmar Drive herein sought to be vacated, and its vacation would not affect any other person, firm or corporation.
6. If the vacation sought by applicants is granted, a parcel of 2.235 acres will be available for residential development. The present lot division is not compatible with contemporary thinking for residential development (except perhaps for manufactured housing), and the vacation would enhance the usefulness and desirability of the tract.
7. Petitioners hold title to all of the property that is adjacent to that portion of Rossmar Drive herein sought to be vacated.

Your petitioners file this petition pursuant to the authority granted in Indiana Code, Section 36-7-4-512 in order to complete the vacation as above described.

WHEREFORE, your petitioners pray that the above described property be vacated according to the provisions of Indiana Law pertaining thereto.

DATED this 31st day of October, 1988.

Carl A. Hofer
CARL A. HOFER
3611 Meda Pass
Fort Wayne, IN 46809

Lenore R. Benninghoff
LENORE R. BENNINGHOFF
7167 Kendallwood Drive
Dallas, Texas 75240

Doris M. Watson
DORIS M. WATSON
464 Tennessee Lane
Palo Alto, California 94306

LEGAL DESCRIPTION OF PROPERTY: See attached survey.

OWNERS OF ADJACENT PROPERTY: None other than petitioners.

NOTICE: Filing of this Application grants the City of Fort Wayne permission to post "Official Notice" on the petitioned property.

Failure to post, or to maintain posting can prevent the public hearing from being held.

This form is to be filed in duplicate.

AGENT: ROBERT W. HALLER, ESQ.
2000 Fort Wayne Bank Building
Fort Wayne, Indiana 46802
(219) 424-2000

File: 135-142
HOFFER REALTY (3)

NUMBER _____

CARL A. HOFER
W. S. DAVIS, Associate

Registered in Indiana
P. E. No. 72, L.S. 10504
P. E. No. 7122, L.S. 10031

This document is the record of a resurvey of land and real estate situated in the City of Fort Wayne, Allen County, Indiana, made in accordance with the plat and deed record thereof on file in the Office of Recorder of said County and State. The land below described exists in full dimension as herein noted in feet, and is free from encroachments by adjoining landowners, and furthermore, contains entirely within its boundaries the structures of the buildings on it situated; all as below indicated in detail. Any exceptions or discrepancies are below noted.

100
DESCRIPTION OF PROPERTY: Survey to establish midpoint on the East border of
Lot 135 and the West common corner of Lots 128 and 142;

STELLHORN PARK ADDITION, Section "A"

Plat Book 12, page 62-63

5 1/2 135 ~ 136-142
1A VACATED
176-179

NORTH	$350 \times 160 = 56000$	$\phi = 1.285 \frac{g}{\pm}$
ROSSIALE	$207 \times 40 = 8280$	$\phi = 0.190$
SOUTH	$207 \times 160 = 33120$	$\phi = 0.760$

97.400 2.2359

(3) AMENDED See Sheet No 2 dtd 10 October 1988 coll

- 33 DIC 324, 526
RST TO SMILE to ADOLPH
HOFER 1930
EXTENSIVE

km 34 Hoffer
 To Fox 335-349
 km 35 Fox
 TO AKM - Clava
 2 FL 335 p 350
 Read June 18, 1937

GOLF
COURSE

BRICK POST
APPROXIMATE

Well Point
found North
Side of Tel
pole

km 21 - PLAT
km 40 - ALLEY VAC
MISC REG 80 p 732-1930

41- VAC of 1110.
Rossman Ex Portent
for 20' Cut-de-Sea

MISC REC 101 p 549
44 SERVICE AGREEMENT
MISC REC 230 p 461-471
REC'D JAN 28 1964 (154A)

45 LIFT STATION AGREEMENT
MIS REC 288 p 392
May 6 1966
See page 64 (15 YRS)

$$\begin{aligned} 0.027988077 / \phi &= 56,000 \phi \\ &= 1680 \frac{\text{mm}}{\text{in}} \pm \\ &= 1567.33 \end{aligned}$$

I-30-12-260

IN WITNESS WHEREOF, I place my hand and
seal, this 9 day of April 1965

10 OCT 88 - 3

KELIOSHA BLVD

66

STREET

Ref
25.4 to center
of manhole

PIN
found

pipe
found

$$\begin{array}{r} 214 \\ 136 \\ \hline 350 \end{array}$$

66

14	27	2
55	85	2

PLATTED LOTS and BUILDING LINES and RESTRICTIONS
and Part of Rossmar Drive To Be VacatedNORTH of ROSSMAR DRIVE

The South one-half of Lots 135, Lots 136, 137, 138, 139, 140, 141 and 142 STELLHORN PARK, SECTION "A", as recorded in Plat Book 12 pages 62-63 in the office of the Recorder of Allen County;

Together with the 14-foot Vacated alley lying East of said Lot 139 and West of the South one-half of Lot 135 and West of Lots 136, 137, and 138, Vacated by Miscellaneous Record 80, page 232;

Together with the Vacated North 10 feet of ROSSMAR DRIVE (60 feet wide) extending from the West line of Calhoun Street (66 feet wide) 350 feet West to the West line of Lot 142 as Vacated by Miscellaneous Record 101, page 549, containing 56,000 square feet or, 1.285 acres, more or less.

SOUTH of ROSSMAR DRIVE

Lots No. 176, 177, 178 in STELLHORN PARK ADDITION, SECTION "A" to the City of Fort Wayne, and Vacated South 10 feet of Rossmar Drive, as Vacated by Miscellaneous Record 101, page 549, and Lot 179 in STELLHORN PARK ADDITION, SECTION "A" to the City of Fort Wayne and the Vacated South 10 feet of Rossmar Drive, as Vacated by Miscellaneous Record 101, page 549, and the West 7 feet of Vacated alley adjoining said lot on the East as Vacated by Miscellaneous Record 80, page 232, containing 33,120 square feet or, 0.760 Acres, more or less.

ROSSMAR DRIVE

That part of ROSSMAR DRIVE (60 feet wide) in the Plat of STELLHORN PARK, SECTION "A" as recorded in Plat Book 12, pages 62-63, in the office of the Recorder of Allen County, extending from the West line of Lot 142 and Lot 176, EAST, a distance of 207 feet to the centerline of a 14-foot alley Vacated by Miscellaneous Record 80, page 232, said alley lying East of Lots 139 and Lot 179, in said Plat; EXCEPT the North 10 feet thereof and EXCEPT the South 10 feet thereof heretofore Vacated by Miscellaneous Record 101, page 549, containing 8280 square feet or, 0.190 Acres.

Containing in ALL, 97,400 square feet or 2.235 acres.

The South 5 feet of Vacated Lots 176 thru 179, and the West 7 feet of the Vacated alley lying East of Vacated Lot 179 will remain subject to an easement for public utilities;

The North 5 feet of Vacated Lots 139, thru 142 will remain subject to an easement for public utilities.

Carl A. Hoffer
10 October 1988

#377
ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Street & Plat Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CED

SYNOPSIS OF ORDINANCE A portion of Rossmar Drive and Lots 135 thru 142 and
176 thru 179 in Stellhorn Park Section "A".

H-89-01-25

EFFECT OF PASSAGE Property is presently dedicated right-of-way and a dedicated
plat. Property will be vacated and revert to the use of the owners of the property.

EFFECT OF NON-PASSAGE Property will remain a dedicated street and a dedicated
plat.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.)) _____

FACT SHEET

G-89-01,25

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Street & Plat Vacation

APPROVAL DEADLINE**REASON****DETAILS****Specific Location and/or Address**

General area of Rossmar Drive at
Calhoun Street

Reason for Project

Accumulation of approximately 2 acres of
land that could be used for appropriate
residential development.

Discussion (Including relationship to other Council actions)

23 January 1989 - Public Hearing

See Attached Minutes of Hearing

30 January 1989 - Business Meeting

Motion was made and seconded to return
the ordinance to the Common Council
with a DO NOT PASS recommendation.

Of the nine (9) members present eight
(8) voted in favor of the motion, one
(1) did not vote.

Motion carried.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents**

Applicant(s)
Carl Hofer, Doris Watson &
Lenore Benninghoff.
City Department

Other

Opponents

Groups or Individuals
Dan Paflas, 6504 S Calhoun St
Martha Beugnot, 6704 S Calhoun

Basis of Opposition

-the development that might
occur if this is vacated
could be detrimental to area

**Staff
Recommendation**☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation**

By

☐ For ☒ Against
☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/ PROGRAM IMPACT

Policy or
Program
Change

☐

No

☐

Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 3 November 1988

Projected Completion or Occupancy

Date 31 January 1989

Fact Sheet Prepared by

Date 31 January 1989

Patricia Biancaniello

Reviewed by

Date

Feb. 2, 1989

Reference or Case Number

a. Vacation Petition #377
General area of Rossmar Drive & Calhoun Street.

John Shoaff read a letter from Richard & Deborah Polk in opposition to the proposed vacation into the record.

Robert Haller, attorney for the petitioners appeared before the Commission. Mr. Haller stated that the petitioners own all of the property adjacent to the portion of Rossmar to be vacated and all of the property in the plat to be vacated. He stated that approximately 85% of the entire plat has been vacated already and was changed into a Golf Course. He stated that Rossmar Drive has never been improved or opened for public use. He stated that it is zoned presently RB and the use of the property would be anticipated in the form of residential development. He stated development plans would obviously be submitted to the Commission for approval. He stated that the immediate adjacent residents, Martha Beugnot and Daniel Paflas, to his knowledge had not remonstrated against the request. He stated that if the petition is granted they are willing to grant such easements as needed.

Martha Beugnot, 6704 So Calhoun St, appeared before the Commission. Ms. Beugnot stated she had been sent a letter soliciting her consent to the vacation proceeding and requesting that she at least not actively oppose the request. The letter also stated that if this request was approved that it would seem to be little reason why a similar petition by her on some future occasion would not be approved. Ms. Beugnot stated that she was definitely against the requested vacation and that she had no intention of asking for a vacation or of selling her property.

Phil Steirgerwald, 6801 So Calhoun Street, stated that he was under the impression that this land, if vacated, would try to be then developed as a retirement facility. He stated that he had called the City Plan Office and been told that it was the intended use. He stated that this area as it stands is subdivided and can be used for single family housing. He stated that it is his feeling that the rights of the surrounding property owners are all going to be injured and effected in a very negative way if the property is vacated and developed other than in single family. He stated that this property is surrounded on three sides by single family residential development and on one side by a golf course. He stated that development of this property would cause traffic hazard at this location. He stated that they have also had drainage problems in the area and a development of this nature would add to the runoff in the area.

Wil Smith stated that Mr. Steirgerwald had alluded to runoff problems and wondered if the problems had been brought to anyone attention. He also questioned the extent of the problems.

Mr. Steirgerwald stated that they had. He stated that the greatest problem came with the most recent two floods, when the

entire golf course, which is adjacent to the property in question, was engulfed in flooding. He stated that there was backup water in many of the people's homes.

Dr. Dan Paflas, 6504 So Calhoun Street, stated he lived immediately adjacent to the property in question. Dr. Paflas stated that he did not sign any letter of remonstrance because he did not know there was such a letter. He stated had he known he probably would be happy to sign. He stated that he is definitely against the proposal.

Dave Telando, 120 Kenosha Blvd., Pastor of New Life Community Church appeared before the Commission. Pastor Telando stated he had just recently purchased the property with the idea that he would have a location that was a quiet residential area to retire in. He stated that he is opposed to any other development than single family and was opposed to the vacation.

Richard Polk, 6505 So Calhoun Street stated that they have 100% unanimous opposition to this proposed vacation.

John Shoaff questioned a 100% of whom.

Mr. Polk stated the individuals in the surrounding area. Kenosha Blvd., Calhoun Street and bordering along Dr. Paflas's property. He stated he had contacted all of the residents. He stated they were polled by telephone or door-to-door.

The following people also spoke in opposition to the petition voicing the same concerns of those who had spoken earlier.

Morris Sprinkle, 128 W Hoover
LeeAnn Winchester 6710 So Calhoun
Shirley Fisher, 6708 So Calhoun

In rebuttal Mr. Haller stated that this area was originally platted in 1926 and this particular area has not developed in accord with the plat. He stated that they have 11 1/2 lots that are 50 feet wide. The development there would be duplexes with an interior cul-de-sac, which is the only development plan they have come up with, does not substantially increase that density. As a matter of fact with the 50 foot wide platted lots it is doubtful if any reasonable house could be put on the lots, economically that would not be some type of manufactured house. He stated that overall with a proper development plan it would actually benefit the neighborhood than the lots as they are actually platted. He stated that the talk of the nursing home or retirement home comes from a real estate agency that contacted Mrs. Beugnot and Dr. Paflas. He stated that the real estate company wanted to put the three tracts together, Dr. Paflas's Mrs. Beugnot and Carl Hofer's for that purpose. He stated that since Dr. Paflas and Mrs. Beugnot are not willing to sell that a nursing home is a dead issue because the petitioner, Mr. Hofer and his sisters, do not have enough land to develop that type of

use. He stated as far as runoff and surface water is concerned he felt that the development of these lots would not increase the rainfall or runoff to any substantial degree. He stated as far as traffic is concerned there is already the possibility of 12 residences in this area, the density of the development will be controlled by the Commission's approval.

Bob Hutner questioned if any meetings had been held between the developer and the neighborhood.

Bob Haller stated no because they did not have a developer. He stated that he only contacted the two adjacent property owners that he felt would be interested.

Mr. Hutner stated that perhaps it would help to meet with the neighbors prior to the business meeting and explain what their plans are for the property.

Mr. Haller stated he would be happy to meet with the neighbors but they do not have a development plan at this time. He stated that the purpose of this is to request a vacation so that they can proceed.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

SNOUFFER, HALLER & COLVIN

RICHARD I. SNOUFFER
ROBERT W. HALLER
SHERRILL Wm. COLVIN
STEPHEN E. LEWIS
VINCENT J. HEINY
JOHN O. FEIGHNER
PERRY D. SHILTS
MARK E. GIA QUINTA
GEORGE SISTEVARIS

ATTORNEYS AT LAW
2000 FORT WAYNE BANK BLDG.
FORT WAYNE, INDIANA 46802

TELEPHONE
(219) 424-2000

TELEFAX
(219) 422-0274

February 28, 1989

Mark E. GiaQuinta, Esq.
Fort Wayne Common Council
City-County Building
One Main Street
Fort Wayne, Indiana 46802


RE: Vacation of a part of Rossmar Drive
and adjacent plat
Bill #G-89-~~01-25~~

Dear Mr. GiaQuinta:

Bill No. G-89-~~01-25~~ noted above is scheduled for public hearing at the meeting this evening of the Fort Wayne Common Council. The applicants and I, as their counsel, have entered into discussion with the neighbors relative to their purchasing of the parcel involved as presently platted.

Accordingly, it will not be necessary to proceed with the vacation ordinance, and we request that the petition be terminated by such action as is appropriate such as withdrawal or non-passage. Thank you for presenting this request so that we need not appear personally.

SNOUFFER, HALLER & COLVIN



Robert W. Haller

RWH/kln

cc: Mr. Richard A. Polk
Mrs. Martha A. Beugnot
Dr. Daniel L. Paflas

BILL NO. G-89-01-25

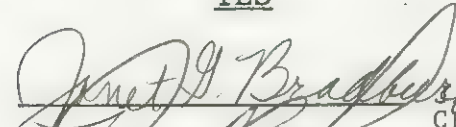
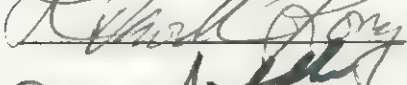



REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the
Thoroughfare Plan of the City Comprehensive ("Master") Plan
by vacating a dedicated street, lots, easements, and plat


HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~) Be Withdrawn

YES

NO

	JANET G. BRADBURY	_____
	CHAIRPERSON	_____
	DAVID C. LONG	_____
	VICE CHAIRMAN	_____
	JAMES S. STIER	_____
	DONALD J. SCHMIDT	_____
	SAMUEL J. TALARICO	_____

CONCURRED IN 2-28-89

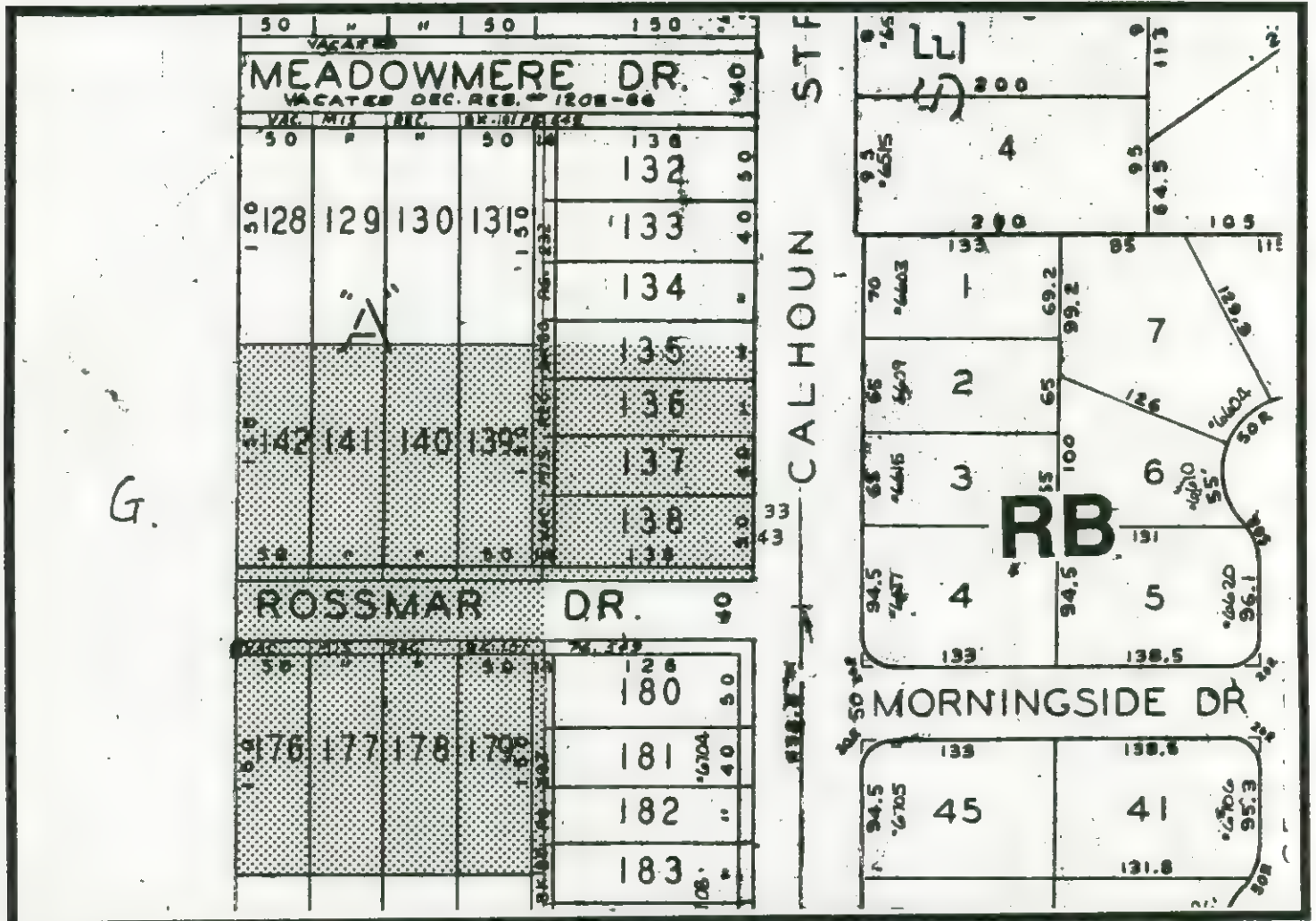

Sandra E. Kennedy
City Clerk

VACATION PETITION #377

A PETITION TO VACATE THE DESCRIBED STREET, LOTS, EASEMENTS AND PLAT

MAP NO. M-27

COUNCILMANIC DISTRICT NO. 5



ZONING:

RB RESIDENCE "B"

LAND USE:

- ☐ SINGLE FAMILY
- ☒ GOLF COURSE

SCALE: 1"=100'

DATE: 12-22-88

Kapert Halber

2000 Ft. Wayne Park Bldg.

City 46802



THE CITY OF FORT WAYNE

February 10, 1989

Ms. Cynthia Wilkins
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Wilkins:

Please give the attached full coverage on the date of
February 14, 1989, in both the News Sentinel and Journal
Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

⁰¹⁻²⁵
Bill No. G-89-~~11~~05
Street & Plat Vacation Ordinance

Please send us 4 copies of the Publisher's Affidavit from
both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
BILL NO. G-89-11-05
01-25

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, February 28, 1989, at 7:00 P.M. (EST) in Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

General area of Rossmar Drive at Calhoun Street
Accumulation of approximately 2 acres of land
that could be used for appropriate residential
development

Rossmar Drive starting 143 feet west of Calhoun Street and the south half of Lot 135 and Lots 136-142 inclusive and Lots 176-179 inclusive in Stellhorn Park Addition Section "A" including the plat and restrictions and all easements and building lines on the plat which are on, over and across the said lots, excepting the permanent easements described as follows:

The west 7 feet of the east 150 feet of the vacated 10 feet of Rossmar Drive, north and adjacent to Lot Number 179 in Stellhorn Park, Section "A".

Also, the 7-foot vacated alley east and adjacent to Lots Numbered 179 and 187 in Stellhorn Park, Section "A".

Also, the South 5 feet of Lots 176-179 inclusive Stellhorn Park, Section "A".

Also the North 5 feet of Lots 139-142 inclusive Stellhorn Park, Section "A".

Fort Wayne Common Council

Sandra E. Kennedy
City Clerk



THE CITY OF FORT WAYNE

February 10, 1989

Robert Haller, Attorney
2000 Fort Wayne National Bank Bldg.
Fort Wayne, IN 46802

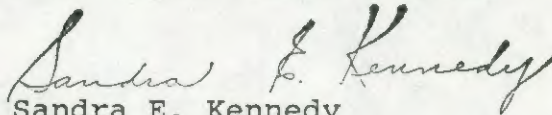
NOTICE OF PUBLIC HEARING ON BILL NO. G-89-^{0125.}~~11-05~~

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, February 28, 1989, at 7:00 P.M. (EST) in the Common Council Conference Room 128, City-County Building, One Main Street, Fort Wayne, Indiana, on the following:

General area of Rossmar Drive at Calhoun Street - Accumulation of approximately 2 acres of land that could be used for appropriate residential development

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

Fort Wayne Common Council


Sandra E. Kennedy
City Clerk

Fort Wayne Common Council
(Governmental Unit)

To:

The Journal-Gazette

Dr.

P.O. Box 100

Fort Wayne, IN

Allen County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

3

Body -- number of lines

29

Tail -- number of lines

4

Total number of lines in notice

36

COMPUTATION OF CHARGES

36 lines, 1 columns wide equals 36 equivalent lines
at 330 cents per line

\$ 11.88

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two)

2.00

TOTAL AMOUNT OF CLAIM

\$ 13.88

DATA FOR COMPUTING COST

Width of single column 12.5 ems

Number of insertions 1

Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Larry Thompson

Date: Feb. 14, 19 89

Title: Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

) ss:

Allen County)

Personally appeared before me, a notary public in and for said county and state, the undersigned Larry Thompson who, being duly sworn, says that he/she is Clerk of the The Journal-Gazette newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for One time, the dates of publication being as follows:

2/14/89

Larry Thompson

Subscribed and sworn to before me this 14th day of Feb., 19 89

Notary Public

Shelley R. LaRue

My commission expires: March 3, 1990

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
BILL NO. G-89-11-05

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General area of Rossmar Drive at Calhoun Street Accumulation of approximately 2 acres of land that could be used for appropriate residential development

Rossmar Drive starting 143 feet west of Calhoun Street and the south half of Lot 135 and Lots 136-142 inclusive and Lots 176-179 inclusive in Stellhorn Park Addition Section "A" including the plat and restrictions and all easements and building lines on the plat which are on, over and across the said lots, excepting the permanent easements described as follows:

The west 7 feet of the east 150 feet of the vacated 10 feet of Rossmar Drive, north and adjacent to Lot Number 179 in Stellhorn Park, Section "A".

Also, the 7-foot vacated alley east and adjacent to Lots Numbered 179 and 187 in Stellhorn Park, Section "A".

Also, the South 5 feet of Lots 176-179 inclusive Stellhorn Park, Section "A".

Also the North 5 feet of Lots 139-142 inclusive Stellhorn Park, Section "A".

Fort Wayne Common Council
Sandra E. Kennedy
City Clerk

Fort Wayne Common Council
(Governmental Unit)

To:

The News-Sentinel

Dr.

P.O. Box 100

Fort Wayne, IN

Allen County, Indiana

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24

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Fort Wayne Common Council
Sandra E. Kennedy
City Clerk